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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,931	01/24/2002	Ingo Schuering	449122010600	2998
25227	7590	03/01/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			ELKASSABGI, HEBA	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,931

Applicant(s)

SCHUERING, INGO

Examiner

Heba Elkassabgi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/22/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-7 is/are rejected.
- 7) ☒ Claim(s) 3-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawing objections cited in the previous office action is withdrawn in light of applicant's amendment and applications remarks.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6 the claim limitations of " magnetizing non-magnetical magnets before being arranged on a rotor body" and "the magnets are magnetized once the two half-yokes have been joined together". These two statements of limitations are indefinite; applicant is claiming of magnetizing the magnets twice, which would not be clear to one of ordinary skill in the art to do so.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

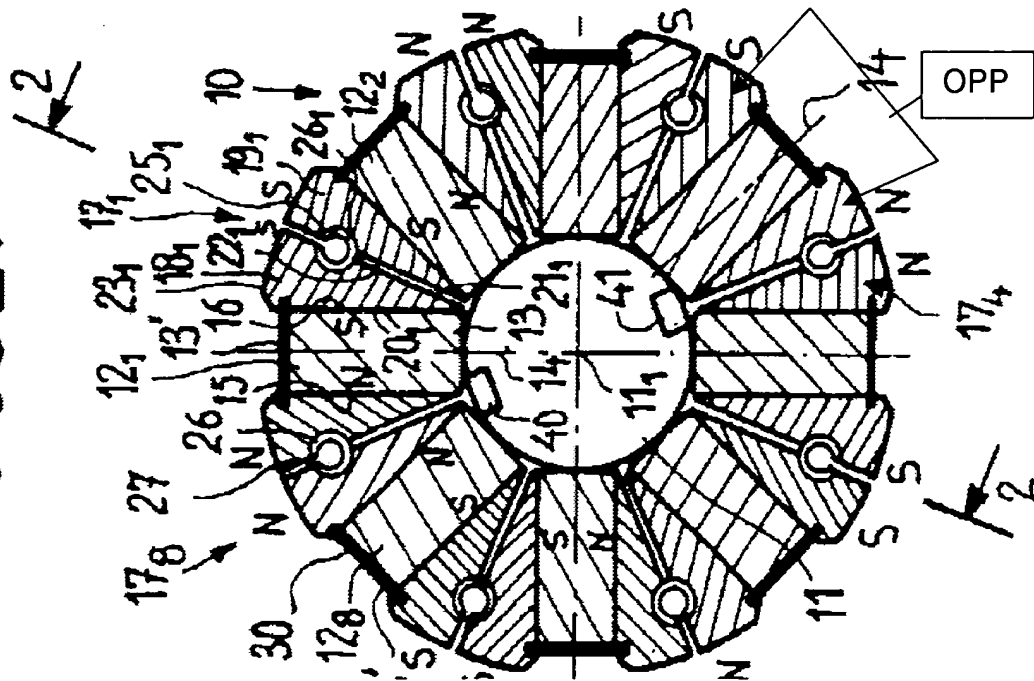
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Epars (U.S. patent 4700096).

Epars discloses in figure #1 a multipole, permanent-magnet rotor (10) for a rotating electrical machine, having permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) designed to be flat in a magnetization direction and arranged radially with respect to a rotor axis in slot-like spaces between two yokes (17) fixed on a rotor body (10), wherein each yoke (17) is subdivided in a circumferential direction into two mutually adjacent half-yokes (17) which extend over half of one pole pitch (OPP), and the two half-yokes (18, 19) of the two yokes (17) are arranged alongside one another and are connected by end points (30, plates) to form a pole element (OPP), the pole element is fixed on the rotor body (10). In regards to claim 2, each of the two half-yokes (18, 19) is fitted with permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) on a surface facing a slot-like intermediate space. In regards to claim 5, Epars further discloses the pole element (OPP) is subdivided into a number of partial pole elements (18, 19) in an axial direction of the rotor (10). In regards to claim 7, the permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) are cuboid.

FIG_1



Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over In re Thorpe.

Epars discloses in figure #1 a multipole, permanent-magnet rotor (10) for a rotating electrical machine, having permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) designed to be flat in a magnetization direction and arranged radially with respect to a rotor axis in slot-like spaces between two yokes (17) fixed on a rotor body (10), wherein each yoke (17) is subdivided in a circumferential direction into two mutually adjacent half-yokes (17) which extend over half of one pole pitch (OPP), and the two half-yokes

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(18,19) of the two yokes (17) are arranged alongside one another and are connected by end points (30, plates) to form a pole element (OPP), the pole element is fixed on the rotor body (10). In regards to claim 2, each of the two half-yokes (18,19) is fitted with permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) on a surface facing a slot-like intermediate space. In regards to claim 5, Epars further discloses the pole element (OPP) is subdivided into a number of partial pole elements (18,19) in an axial direction of the rotor (10). In regards to claim 7, the permanent magnets (12₁, 12₂, 12₃, 12₄, 12₅, 12₆, 12₇, 12₈) are cuboid. However, Epars does not disclose the process method of the apparatus.

Even though product-by-process claims are limited by and defined by the process, determination of patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 3 prior art does not disclose two half yokes of a pole element in an intermediate space filled with a material that is configured to expand under the influence of impregnation resin.

Claim 4 is allowed being dependent upon claim 3.

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Response to Arguments


Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-2723. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Burt Mullins can be reached on (703) 305-7063. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Heba Y. Elkassabgi


BURTON S. MULLINS
PRIMARY EXAMINER